

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

OLIVER UDEMBA,)	
)	
Plaintiff,)	
v.)	CIVIL ACTION NO: 05 CV 11161 RGS
)	
CUMBERLAND FARMS, INC.)	
AND EMILE C. TAYEH,)	
)	
Defendant.)	

**APPLICATION OF DEFENDANT CUMBERLAND FARMS, INC.
FOR AWARD OF FEES AND COSTS INCURRED IN FILING
ITS MOTION TO COMPEL DISCOVERY, WITH INCORPORATED
AFFIDAVIT OF FEES AND COSTS**

By his signature below, Philip J. Moss does aver under oath that the Defendant, Cumberland Farms, Inc., incurred legal fees in the amount of \$648.00 and costs of \$88.69, in the preparation and filing of its Motion To Compel Discovery in this case.

WHEREFORE, Defendant Cumberland Farms, Inc. requests that the Court award it a total of \$736.69 in attorneys' fees and costs and order the Plaintiff to pay the Defendant this amount within fourteen (14) days.

DATED at Portland, Maine this 8th day of February, 2006.

CUMBERLAND FARMS, INC.,

By its attorneys,

MOON, MOSS & SHAPIRO, P.A.

Ten Free Street

P. O. Box 7250

Portland, ME 04112-7250

(207) 775-6001

/s/ Philip J. Moss

Philip J. Moss BBO# 358020

CERTIFICATE OF SERVICE

I, Philip J. Moss, attorney for Cumberland Farms, Inc., hereby certify that a paper copy of the Application of Defendant Cumberland Farms, Inc. for Award of Fees and Costs Incurred in Filing Its Motion to Compel Discovery, with Incorporated Affidavit of Fees and Costs, electronically filed with the Clerk of Court using the ECF system, will be sent this date by first-class U.S. mail, postage prepaid to the following:

Aderonke O. Lipede, Esq.
434 Massachusetts Avenue, Suite 401
Boston, MA 02118
(BBO # 567431)

Dated: February 8, 2006

/s/ Philip J. Moss

Philip J. Moss, Esq., BBO# 358020

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